



west virginia department of environmental protection

Division of Water & Waste Management
601 57th Street SE
Charleston, WV 25304
Phone: (304) 926-0495
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Joe Manchin III, Governor
Randy C. Huffman, Cabinet Secretary
www.dep.wv.gov

October 29, 2010

Cathy Taylor
Virginia Electric Power Co.
Mt. Storm Plant
5000 Dominion Blvd.
Glen Allen, VA 23060

CERTIFIED RETURN RECEIPT REQUEST
RE: Order Number 6291, Amendment No. 2

Dear Ms. Taylor:

Enclosed find Amendment No. 2 to Administrative Order No. 6291, which emanated pursuant to Chapter 22, Article 11 of the West Virginia Code. This Amendment to the ORDER extends the deadline to complete the spillway gate modification from November 1, 2010 to November 19, 2010.

You should carefully read the contents of the enclosed amended ORDER and communicate to each responsible official, agency and employee the actions which each must take to ensure compliance with its terms. Failure to comply with the terms of this amended ORDER constitutes an additional violation and may result in further enforcement action involving civil or criminal penalties.

Please note that, as indicated by its terms, the amended ORDER is effective upon receipt. If you have any questions concerning this amended ORDER or related matters, please contact Bill Sentman, at 304-926-0499 ext. 1084.

Sincerely,


Scott G. Mandirolo
Director

SGM/ws

cc: Env. Insp. Supv.,
Env. Insp. (Grant County)
USEPA Region 3

Promoting a healthy environment.

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**ORDER
ISSUED UNDER THE
WATER POLLUTION CONTROL ACT
WEST VIRGINIA CODE, CHAPTER 22, ARTICLE 11**

TO: Virginia Electric & Power Co.
Mount Storm Plant
5000 Dominion Blvd.
Glen Allen, VA 23060

DATE: October 29, 2010

ORDER NO.: 6291 – Amendment No. 2

INTRODUCTION

The following findings are made and amended Order issued to Virginia Electric Power Co. pursuant to the authority vested in the Director of the Division of Water and Waste Management under Chapter 22, Article 11, Section 1 et seq. of the Code of West Virginia.

FINDINGS OF FACT

In support of this amended Order, the Director hereby finds the following:

1. Virginia Electric & Power Co. (VEPCO) owns and operates the Mt. Storm Power Plant located in Grant County. This facility is permitted (WV/NPDES Permit No. WV0005525 issued the 14th day of April 2008) to discharge treated process wastewater, cooling water, sewage, and storm water runoff via Outlet 001 (discharge from Mt. Storm Lake) into Stony River of the North Branch of the Potomac River.
2. Order No. 6291 was issued to VEPCO on the 14th day of April 2008 to address the thermal discharge from Mt. Storm Lake into the Stony River and included a Compliance Plan and Schedule. Amendment No. 1 to Order No. 6291 was issued to VEPCO on the 2nd day of July 2009.
3. Several phone conversations have taken place between VEPCO and DEP during the months of September and October 2010 concerning the spillway gate modifications.

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4. The three new spillway gates have been installed. The two outer gates are smaller and were originally designed by the manufacturer to have gate operators that were smaller than the larger center gate. When the first operator was installed on one of the outer gates, it did not operate as expected.
5. After testing by the manufacturer, it was determined that a larger operator was required for the outer gates. As a result, the larger operator originally slated for the center gate has been installed, tested and found operational on one of the outer gates. The two operators for the remaining gates were ordered but not available.
6. The current schedule is for the two remaining operators for the spillway gates to be delivered on October 30, 2010. This may not allow time for installation and commissioning of the spillway gates before the November 1, 2010 deadline required by this Order. VEPCO has communicated to the DEP that it expects to have completed the installation and commissioned the remaining spillway gates on or before November 19, 2010.

ORDER FOR COMPLIANCE

And now, this 29th day of October, 2010, VEPCO is hereby ORDERED by the Director as follows:

1. The compliance date for completion of the spillway gate modification is hereby extended to November 19, 2010. (See revised Compliance Schedule in Attachment A.)
2. All other items of Order 6291 remain in effect and unchanged.

OTHER PROVISIONS

1. Compliance with the terms and conditions of this Order shall not in any way be construed as relieving VEPCO of the obligation to comply with any applicable law, permit, other order, or any other requirement otherwise applicable. Violations of the terms and conditions of this Order may subject VEPCO to additional enforcement action in accordance with the applicable law.
2. The provisions of this Order are severable and should a court or board of competent jurisdiction declare any provisions to be invalid or unenforceable, all other provisions shall remain in full force and effect.
3. This Order is binding on VEPCO, its successors and assigns.
4. This Order shall terminate upon VEPCO's notification of full compliance with the "Order for Compliance" and verification of this notification by WVDEP.

RIGHT OF APPEAL

Notice is hereby given of your right to appeal the terms and conditions of this Order which you are aggrieved to the Environmental Quality Board by filing a NOTICE of APPEAL on the form prescribed by such Board, in accordance with the provisions of Section 21, Article 11, Chapter 22 of the Code of West Virginia within thirty (30) days after receipt of this Order.

This amended Order shall become effective upon receipt.



Scott G. Mandirola, Director
Division of Water and Waste Management

revised January 2007

ATTACHMENT A

ORDER No. 6291

Compliance Schedule

(revised 10/29/10)

1. Oct. 01, 2008 Submit Spillway Gate Design to DEP.
Design submitted 9/29/08
2. Oct. 01, 2008 Submit Measurement Weir Design to DEP.
Design submitted 9/29/08
3. Oct. 01, 2008 Submit Discharge Control System Design to DEP.
Design submitted 9/29/08
4. Mar. 01, 2009 Submit Annual Progress Report for 2008 Activities to DEP.
Report submitted 2/26/09
5. Apr. 01, 2009 Submit Cooling System Design to DEP.
Design submitted 3/24/09
6. Nov. 01, 2009 Complete Measurement Weir Installation.
Completed 10/27/2009
7. Mar. 01, 2010 Submit Annual Progress Report for 2009 Activities to DEP.
Report submitted 2/24/2010
8. Nov. 01, 2010 Complete Discharge Control System Installation.
Completed 10/27/2010
9. Nov. 19, 2010 Complete Spillway Gate Modification.
10. Mar. 01, 2011 Submit Annual Progress Report for 2010 Activities to DEP.
11. Jul. 01, 2011 Complete Cooling System Installation and Commence Operation.
12. Jan 31, 2012 Submit Operation Plan for Minimizing Thermal Impacts.
13. Mar. 01, 2012 Submit Annual Progress Report for 2011 Activities to DEP.
14. Mar. 01, 2013 Submit Annual Progress Report for 2012 Activities to DEP.
15. Jul. 01, 2014 Comply with Final Temperature Limitations and/or Obtain an Approved 316(a) Variance.